

BOARD OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246
SACRAMENTO, CA 94244-2460
(916) 653-8007
(916) 653-0989 FAX
Website: www.fire.ca.gov/bof



**BOARD OF FORESTRY AND FIRE PROTECTION MEETING
MARCH 8, 2006
SACRAMENTO**

BOARD OF FORESTRY MEMBERS PRESENT:

Stan Dixon, Chairman
Kirk Marckwald, Vice Chair
Gary Ryneerson
Mark Bosetti
Ronald Nehring
Jim Ostrowski
David Nawi
Pam Giacomini
Bruce Saito

BOARD STAFF:

George Gentry, Executive Officer
Eric Huff, Executive Officer, Foresters Licensing
Chris Zimny, Regulations Coordinator
Carol Horn, Executive Assistant

DEPARTMENTAL STAFF:

Ruben Grijalva, Acting Director
Bill Snyder, Deputy Director, Resource Management
Duane Shintaku, Asst. Deputy Director, Resource Mgmt.
Dennis Hall, Asst. Deputy Director, Resource Mgmt.
Russ Henly, Asst. Deputy Director, Resource Mgmt.
Tom Hoffman, Staff Chief, Fire Protection

CALL TO ORDER

Chairman Dixon called the March 2006 meeting of the Board of Forestry and Fire Protection to order.

APPROVAL OF MINUTES

Chairman Dixon deferred the approval of the February minutes to the April Board meeting.

REPORT OF EXECUTIVE SESSION

Mr. George Gentry, Executive Officer, announced that no executive session was held yesterday. Chairman Dixon commended the California Licensed Foresters Association on quality of their conference held last week in Sacramento.

CONSENT CALENDAR

No items to report for the Consent Calendar.

REPORT OF THE CHAIRMAN

Chairman Dixon discussed new appointments to committees. The committees are:

Forest Practice (forestry technical rule development): David Nawi, Chair, Kirk Marckwald, Mark Bosetti, and Jim Ostrowski

Management (development of long-term planning mechanisms): Gary Rynearson, Chair, Pam Giacomini, and Ron Nehring

Policy (state and federal forest policy development): Kirk Marckwald, Chair, David Nawi, and Jim Ostrowski

Resource Protection (fire protection regulatory and policy development): Mark Bosetti, Chair, Ron Nehring, Pam Giacomini, Bruce Saito

REPORT OF THE DIRECTOR

Acting Director Grijalva reported on the Hemet-Ryan Update. Chief Grijalva spend last week in Riverside and met with the Board of Supervisors. CDF will keep the airbase in Riverside County at Hemet-Ryan. Pilot safety, operational effectiveness and customer satisfaction were key components in this decision.

Chief Grijalva gave an update on CDF retirements. Retirements and vacancies are becoming a serious issue in CDF. As a result of the current salary inversion, many key positions in CDF are difficult to fill and remain vacant. Chief Grijalva is in discussions with the Resources Agency Secretary about this issue and will report updates to the Board as they develop.

Chief Grijalva said progress on the Tulare transition continues. Tulare County Board of Supervisors selected retired CDF Unit Chief Steve Sunderland as the new fire chief of the new county fire department.

CDF Legal staff and the Attorney General's office reached a tentative settlement on the Poe Fire. PG&E has tentatively agreed to pay CDF \$10 million for CDF's costs in suppressing and investigating the Poe Fire. Additionally, \$400,000 goes into a nonprofit training fund to improve CDF's investigation of fire cause and origin.

The State Fire Marshal's Office is conducting a survey that will help CDF identify where their limited resources are best utilized to maximize their efforts to reduce fires and injuries due to fireworks, pyrotechnic special effects, and other associated devices. The Office of the State Fire Marshal (OSFM) provides specialized training to local government and to special effects licensees to safely utilize pyrotechnic special effects in firms and on stage in the entertainment industry.

Chief Grijalva reported on Governor Schwarzenegger's comprehensive Strategic Growth Plan, which has allocated \$215 million for fire protection within CDF. Some of the crucial CDF needs addressed in the bond are: Upgrading Forest Fire Stations, Improving Air Attack Bases, Building and Improving Conservation Camps, and Enhancing Statewide Communication Facilities.

REPORT OF THE CALIFORNIA OAK MORTALITY TASK FORCE (COMTF)

Mr. Mark Stanley, Chair of the California Oak Mortality Task Force gave an update on COMTF, which was included in the Board binder. Mr. Stanley will give an overview of the program at the next meeting. Mr. Stanley reported that COMTF will be holding their annual meeting at the Carmel Mission Inn on March 20-23, he hopes some Board members will be able to attend.

REPORT OF THE ADVISORY COMMITTEES

CALIFORNIA FOREST PEST COUNCIL

There was no report.

RANGE MANAGEMENT ADVISORY COMMITTEE (RMAC)

There was no report.

MONITORING STUDY GROUP (MSG)

Mr. Pete Cafferata, Forest Hydrologist, Department of Forestry and Fire Protection, Monitoring Study Group (MSG) gave an update on the MSG, which was included in the Board's binders. Mr. Cafferata said the MSG had not met since the last Board meeting. The next MSG meeting will be held at the Swanton Pacific Ranch near Santa Cruz on March 14. A tour of the Little Creek watershed monitoring stations will be held in the afternoon. The next MSG IMMP Subcommittee Meeting will be held March 21, 2006 near Willows at the Sacramento National Wildlife Refuge Complex. Mr. Dennis Hall, Staff Chief, Forest Practice, said the main focus of the IMMP is to develop a process where all agencies can work together to resolve issues in the field and then pass that information back to all respective agencies and field inspectors and landowners.

PROFESSIONAL FORESTERS EXAMINING COMMITTEE (PFEC)

Mr. Eric Huff, Executive Officer, Foresters Licensing, introduced Mr. Doug Ferrier, Chair of the Professional Foresters Examining Committee (PFEC). Chairman Stan Dixon requested the PFEC to prepare a report on "Non-Filing of Timber Harvest Plans". The PFEC formed a subcommittee consisting of Doug Ferrier, Hal Bowman and Licensing Officer Eric Huff. The subcommittee met with CDF's major Review Teams in Redding and Santa Rosa to gain common understanding as to how the harvest plan review process works, get feedback on how the Review Team staff view the process, and identify potential problems and possible solutions. The PFEC, at the direction of the Board, has looked into the issue of non-filing of harvest plans in 1993, 1995, and in 2000.

An analysis of the 2005 plan return letters shows that in almost every instance, the non-filing of plans appears justified under present Forest Practice Law and Board regulations. Thorough review

of all return letters supplied by CDF for 2005 submissions revealed only 10% of those letters contained items that compelled further clarification and discussion.

The PFEC recommends the Department to clearly communicate submittal expectations to the regulated public while simultaneously avoiding internal rule interpretation. The PFEC encourages the Department and Executive Officer for Foresters Licensing to be more frequent and consistent in communicating with all RPFs. The PFEC also recommended updating the THP form and CLFA checklist.

Chairman Dixon said the Chair's of the Forest Practice and Policy Committees can decide which Committee will review the report.

Member Nawi suggested acting on the report now and not sending it to a Committee for review.

Mr. Duane Shintaku, Assistant Deputy Director for Forest Practice, felt the review was conducted well. He said all six recommendations are framed around communication. Mr. Shintaku believes the Department would agree with the recommendations. Mr. Shintaku suggested having a website with hot topic and updating on a regular basis. Mr. Shintaku suggests the Department work with the PFEC.

Mr. Bill Synder, Deputy Director for Resource Management, agreed with Mr. Shintaku. The Department is at a point where they could build an electronic THP form with a checklist. The Department is struggling with the list due to budget restrictions.

Chairman Dixon said the discussions between the Department and the PFEC will include Licensing Officer Huff.

03-06-07: Member Nawi made a motion to take action to support the recommendations of the PFEC. Mr. Nawi requested the Department and PFEC work together and report back to the Board in June. Member Ryneerson seconded the motion. All in favor.

Member Marckwald thanked Chairman Ferrier and CDF staff for a job well done.

HEARING: THE BOARD WILL CONSIDER ADOPTION OF THE PROPOSED RULE LANGUAGE TO UPDATE A PROCEDURAL PUBLICATION WHICH IS USED TO CLASSIFY STATE RESPONSIBILITY AREAS (SRA). THE PROCEDURAL PUBLICATION IS TITLED STATE RESPONSIBILITY AREA CLASSIFICATION SYSTEM.

Mr. Zimny said today was the continuation of the hearing. The Board closed a public hearing last month on amendments to the classification guide. At the hearing last month, the Board directed staff to make amendments to the classification guide and to obtain a letter from CDF Fire Protection on its concurrence or recommendations for the guidelines. The Board received a letter from Deputy Director Jim Wright regarding SRA classification. CDF is in agreement with the proposed changes to the SRA classification system. CDF feels the changes will help increase CDF's ability to maintain maps that closely match actual ownership and protection responsibility. CDF is in agreement with only one of the three proposed changes by BLM to the SRA Classification System, 2006 Document. CDF agrees to add "federal partners may report changes in federal ownership to the statewide mapping coordinator". The change is to address input from the Bureau of Land Management when there are transfers from private to federal ownership, the

federal partner may report the changes in federal ownership to the statewide mapping coordinator. The Board also recommended reordering for clarity how the Board will set implementation dates based on by-the-year and special review periods.

Chairman Dixon asked Mr. Reeves, Board Counsel, if the Board were obligated to reopen the public hearing to take comment for the changes minor changes made.

Mr. Reeves said it was not mandatory to reopen the public hearing because the changes were non-substantive.

Mr. Zimny said the only two changes that have not been circulated are the ones that did the re-organization for the Board direction last month and the one sentence the Department added to the letter saying "federal partners may report changes in federal ownership to the statewide mapping coordinator".

Mr. Reeves felt that because a sentence was added on page 25, it could be re-noticed; however, it is up to the Board. The clarification on page 28 would not require re-noticing. Re-noticing is not mandatory, however.

Member Bosetti pointed out the Board wanted some clarifying changes made, and they asked staff to memorialize the changes to they wouldn't be lost. A document was prepared to incorporate for reference. Member Bosetti felt the items were non-substantive; they were clarifying, and as such could be adopted by the Board at that point if desired. There was no oral or written testimony from the Department relative to concurrence of the proposed changes. The Board asked staff to contact the Department and get that comment. The comment Member Bosetti sees in the letter from the Department is that they concur with the proposals with the exception of concurring with the comment the Board received from BLM.

Chairman Dixon said the consensus of the Board is to proceed to take an action. Chairman Dixon re-opened the public hearing. The Chairman asked if there were any members of the public who wish to comment to the Board on this item.

PUBLIC COMMENT:

No public comment.

03-06-08: Member Ryneerson made a motion to close the public hearing. Member Marckwald seconded the motion. All in favor.

03-06-08: Member Marckwald moved to adopt the version which included the edits recommended by the Board of Forestry on February 9 and CDF on March 7. Member Bosetti seconded the motion.

A roll call vote was taken.

Nehring	Aye	Nawi	Aye	Ryneerson	Aye
Bosetti	Aye	Giacomini	Aye	Saito	Aye
Marckwald	Aye	Ostrowski	Aye	Dixon	Aye

The motion was carried unanimously.

HEARING: THE BOARD WILL CONSIDER ADOPTION OF THE PROPOSED RULE LANGUAGE ENTITLED, LAKE TAHOE REGION EXEMPTION, 2006, TO EXEMPT THE HARVESTING OF LIVE TREES IN A WATERCOURSE AND LAKE PROTECTION ZONE (WLPZ) IN THE LAKE TAHOE REGION FOR PURPOSES OF REDUCING FIRE HAZARDS.

Mr. Zimny said this is the initial 45-day hearing for permanent regulation noticed by the Board on January 20 for amending the Forest Practice Rules Section 1038 and 1038(f). The overview of this regulation is making permanent an emergency regulation the Board has had in place since June of 2005. The proposed changes create a standardized set of exemptions to the Forest Practice Rules for timber harvesting in Lake Tahoe. Currently, the Forest Practice Rules outline certain operational requirements for certain activities in Lake Tahoe that can be conducted under exemptions. The second piece of this rule proposal adds the ability of these exemptions to harvest live trees from a Watercourse and Lake Protection Zone (WLPZ) in the Lake Tahoe Basin for purposes of reducing fire hazards. Exemptions conducted under this amendment would require obtaining and accordance with a Tree Removal Permit issued by the Tahoe Regional Planning Agency and certified by the Lahontan Regional Water Quality Board. This amendment is currently adopted by the Board as an emergency regulation and is in effect. The permanent adoption of the regulation is considered regulatory relief in that it provides additional hazard reduction treatments conducted under an Exemption than currently allowed. The Board received two letters regarding this proposal from CDF and the Lahontan Regional Water Quality Board, which were distributed to Board Members.

Chairman Dixon asked if any Board Members had a chance to review the letters. The Chairman asked how the Board wanted to proceed.

Member Marckwald asked to hear from the Department.

Mr. Dennis Hall, Staff Chief, Resource Management, said during the Department's review of the proposed changes, CDF noted two substantial issues that need to be addressed prior to adoption of this proposal. The first relates to a conflict between the Public Resources Code and the proposed rules. The second involves a conflict with a proposed requirement of the rules and requirements of another agency. CDF has addressed these issues in their suggestions for change and provided revised language intended to rectify these issues.

The most significant issue is an apparent conflict with the rules as proposed and the authorizing statute under PRC subsection 4584(k) (10). The PRC subsection 4584(k) (3) specifically requires that an exemption to the Rules may be authorized by the Board only if all the conditions specified under paragraphs (k) (4) to (10) are met. Subsection (k) (10) specifies that the operations conducted pursuant to the Forest Fire Prevention Exemption must comply with the requirements of 14 CCR Subsection 1038(b) (1) through (10). The most important conditions that the Board must recognize prior to adoption of these changes are the significant restrictions on harvesting and timber operations within the WLPZ required pursuant to 14 CCR Subsection 1038 (b) (6) and (9).

The second issue pertains to the proposal to require a Tahoe Basin Tree Removal Permit for any timber operations within the Lake Tahoe Region. This requirement would apply to all timber operations as defined by the PRC, including the removal of dead trees. CDF believes that the Tahoe Regional Planning Agency does not require such a permit for the removal of dead trees. Therefore, a timberland owner could not comply with this requirement of the Board's rules if they planned to harvest only dead trees from their timberlands.

Mr. Hall said this issue was raised back in 2004 and then raised again in 2005, and it has been a substantive issue throughout the discussions on the Tahoe Basin. The Board wanted to address the harvest of live trees in WLPZs. In his review of the statute and proposed rules, Mr. Hall was focused on the harvest of live trees in WLPZs. It is Mr. Hall's opinion that there is still conflict, of allowing under the authority of PRC §4584 the removal of live trees in WLPZs. There are some exceptions and allowances in the statute, where Mr. Hall feels the Board should focus. That is the main issue in the Department's letter. The other changes are adding clarity to language and use of abbreviations.

Mr. Hall said the Department supports the adoption of rules specific to timber harvesting operations in the Tahoe Basin and believes that this package could move forward under a 15-day public notice with CDF's recommended changes. Mr. Hall suggests the Board consider incorporating the changes detailed in the attachment to the letter to Chairman Dixon from the Department dated March 6, 2006.

After reviewing the rule package, Mr. Hall is not sure the rule package meets the intent of what the Board is trying to do because now they have established a system where people can operate under all the 1038 rules or they could choose to do 1038(f), but they are still facing all the same restrictions. Mr. Hall thinks the process needs to be streamlined.

It is Mr. Hall's recommendation to remand the regulation back to the Committee and have staff prepare a 15-day notice, and have Committee discuss how they want to handle the authority issue.

Member Marckwald asked Mr. Hall his comments on the recommended changes by Lahanton Regional Water Quality Board.

Mr. Hall did not think that Lahanton fully understood the proposal.

Chairman asked if anyone from the Lahanton Board was in the audience and wished to speak. No one was present from the Lahanton Board.

PUBLIC COMMENT:

Mr. Paul Mason, representing the Sierra Club, generally supports the issues raised by the Lahanton Water Board. Mr. Mason thinks the whole package is in a state of chaos and should be remanded back to Committee to figure out how the various exemptions will work together in a way that streamlines the process for the end user.

Mr. Kevin Collins, Felton, CA, Sierra Club, thinks the proposed regulation has to do with wilderness but the area is in a zone that is wet and not as likely to burn to begin with because the vegetation has moisture throughout the entire summer period. Mr. Collins hopes this point is taken into account when decisions are being made on how vigorously people are going to remove trees.

Member Marckwald feels the issue won't be clarified by talking about it in Committee. Issues could be better clarified with discussions by Chris Zimny, Dennis Hall, and the Lahanton Board.

Mr. Zimny said the Lahanton issue came to a decision point in Committee regarding whether the Board should include or not include the additional operational requirements that were recommended by LRWQCB.

The spirit of the LaMalfa Law and the evaluation the Board previously made to 1038(b) that says no live tree harvesting in SPZ or WLPZ is likely being met. A finding could be made that, notwithstanding the LaMalfa Regulation, that the operational conditions 1038(b) are part of the LaMalfa Law. It doesn't say no harvesting of live trees in WLPZs. It says whatever 1038(b) says. This Board in past action has framed what the appropriate operating condition and where it is appropriate for exemption based on the potential for environmental effects. While there is a statutory complication, it does not say in LaMalfa under section 4584 you will harvest live trees in a WLPZ.

Mr. Zimny believes the exemption 1038 (f) still meets the purpose of what the Board started for. We wanted all operations or most operations under forest practice rules conducted in Lake Tahoe to be conducted under one set of rules. Mr. Zimny does not agree with Chief Hall that one has an option, if these rules were adopted, to operations under exempt activities under 1038(b); if that were somehow permissible, then the Board made an error in the regulation. The purpose was that exempt activities in the Lake Tahoe Basin be conducted under one set of regulations.

Member Marckwald asked Mr. Zimny if he felt it would be useful for Mr. Hall and Mr. Zimny to discuss and come to agreement on a recommendation and frame the issues for the Committee as a starting point.

Mr. Zimny believes he and Mr. Hall can sort out many issues without taking up the Committee's time. The issue on the Lahanton is something the Committee had to come to grips with.

Member Nawi referred to page 2 of the Lahanton letter, where they recommend changes to three provisions and the addition of number 19 and changes to 15 and 16. With those changes they say that they prepared two approved conditional waivers. Member Nawi wanted Mr. Zimny's and the Department's reaction to the changes suggested by the Board.

Mr. Zimny had not had a chance to review the letter.

Member Nawi's view was that this should not go to Committee yet, it is a complicated issue. It should be worked out between Mr. Zimny, the Department, and Lahanton before going to Committee. Member Nawi said the ability to work with the Lahanton Board would be in everyone's best interests

Member Marckwald referred to the recommended items on page three of the Lahanton letter; it appears to be an attempt to allow additional operations or additions. These appear to be Lahanton's attempt to modify their standard waiver rule language to allow some additional operations. Seven cubic feet of soil is not much, but it is better than none.

Mr. Zimny said that number was brought forward as consistent TRPA ordinances and how they determine whether there is a threshold for another local soil disturbance permit. Mr. Zimny pointed out an issue that created a problem in the Lahanton recommendation previously was pile burning in the SEZs. Negotiating that limitation with Lahanton on an informal basis versus it being in writing may be the most effective answer. That was one of the overriding reasons why the Committee choose not to include in what is noted on page three of the Lahanton letter.

Member Marckwald said this is the way the Board started the emergency fuel hazard reduction discussion. How does the Board harvest green trees. This is why The Board went to an emergency process vs. exemption process.

03-06-09: Member Nawi made a motion to close the public hearing. Member Bosetti seconded the motion. All in favor.

03-06-09: Member Rynearson made a motion to have Chief Hall and Coordinator Zimny work together to develop some sample language, modify the package appropriately and bring back to the Committee for consideration.

Member Nawi wanted to add an amendment “to the extent that they can appropriately evolve on it”.

Member Rynearson was happy to add the Amendment.

Member Nawi seconded the motion. All in favor.

UPDATE ON THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR JACKSON DEMONSTRATION STATE FOREST (JDSF) DRAFT MANAGEMENT PLAN.

Executive Officer Gentry reported that public comment closed on March 1, 2006. 6,000 to 7,000 public comments on the DEIR were received, which staff have logged in and collated. The Department is assisting with logging and collating the comments. Santa Rosa Review Team members are in the process of helping the Executive Officer with a plan of action with response to comments. The next step in the process for the DEIR will be for the Board to schedule a stand-alone workshop to discuss the DEIR. This workshop should take place in the very near future. Executive Officer Gentry will send Board members a list of dates to select from. The Board will hold deliberations on what they see in the DEIR and management plan so they make direction as to what they need to have addressed. This is so that those changes, if any, that could be made prior to the Board's final certification and approval of the management plan.

Member Nawi suggested another site visit. He missed visiting Jackson State Forest last year, and felt the new Board members could benefit.

Chairman Dixon thought another visit was an excellent idea.

Member Ostrowski asked what the format of the workshop would be.

Executive Officer Gentry said that “workshop” might not be the right terminology. This is the nexus for the Board, it is a decision point. Final document must be complete and brought before the Board to be certified. Any item before the Board is subject to public comment.

It is Member Rynearson's understanding that the Board will have the workshop, which will be a formal Board meeting attended by the Board as a whole to review the document. There are five options embedded in the DEIR at this point for comment. The Board may choose any one of those or any combination of those options, new information brought forward in response to or additional information as long as it is in the bounds of the EIR CEQA review. If additional new information comes in, it would be considered part of the original release for public comment and review --would have to be recirculated at that point. The Board is bound by the rigid standards of those options. The Board can choose within any of those options or even external information that may have come in as long as it has been available for review by the public. To develop the final recommended EIR, the process would be to propose the final EIR in its contents, and then notice

it. It would go out as an action, so it would have to be available for public review like any other action the Board undertakes, and then would go to the Board for a formalized hearing for adoption of the EIR, which would then be signed by the Chair for certification.

Member Nawi agrees with Member Ryneerson and would like to have the Department bring forward to the Board a synopsis of comments. Members Nawi and Ryneerson would work with CDF staff. Either CDF staff or the contractor needs to address the comments.

Mr. Henly said 6,000 electronic comments, 200 public comments, and 6 agency comments were received. Staff continue to sort through the comments. By the next Board meeting Mr. Henly will provide an initial summary of comments to the Board.

Member Nawi asked to continue this item on next month's Board agenda for a status report.

REPORT OF SENSITIVE WATERSHED NOMINATIONS REVIEW, FOREST PRACTICE, POLICY, MANAGEMENT AND RESOURCE PROTECTION COMMITTEES

REPORT OF SENSITIVE WATERSHED NOMINATIONS REVIEW

There was no report.

FOREST PRACTICE COMMITTEE

Member Nawi, Chair of the Forest Practice Committee reported that the CLFA Watercourse Regulatory Streamlining Proposal is in final form. The FPC has been reviewing the regulatory proposal since mid-2005. The Committee agreed to hold off on the 45-day notice until they have a better idea what is going on with the T&I Regulations. To streamline the regulation as scheduled for sunset at the end of this year was subject to contention for possible amendment or change or possible other action makes no sense. The CLFA Streamline Proposal is not ready to go before the Board until the Committee finds out what is happening with the T&I Regulations.

The Committee also discussed Fuel Hazard Reduction Rules and grading measures for the Tahoe Basin. The Committee would like to have Deputy Attorney General Bruce Reeves clarify the Board's authority to adopt the change for the definition of "timberland". There are two options: the first is the change in definition would apply only to the Tahoe Basin. The second option is to have a memorandum of understanding to address these issues. The Committee is going work with the Executive Officer and Deputy Attorney General to present the questions and get answers.

The FPC discussed a possible rule change suggested by the Northern California Society of American Foresters to facilitate the restoration of Aspen. Because this was an informal request the Committee is not under any time limitations. The entire Committee supports the change. Chairman Nawi hopes to have a proposal to the Board to notice next month.

Chairman Nawi said the Committee had a discussion on T&I Rules. Ms. Charlotte Ambrose, described the literature compilation of review findings she is working on. Ms. Ambrose received many documents from Mr. Cafferata. Ms. Ambrose has a person putting the studies together and is making good progress, working toward electronic posting of those documents, and identification of issues. Ms. Michelle Dias said CFA has been working with their own consultants, CH2M HILL, on a parallel effort which would identify studies to relevant issues. Ms. Dias asked that CFA be

allowed to present to the Board their findings. The Committee decided to have presentations from NOAA Fisheries and CH2M HILL pertaining to what they were able to compile and where they were on their studies. Ms. Ambrose will be working with Mr. Berbach and Mr. Spitler. Chairman Nawi requested a special meeting of the Forest Practice Committee be held in Sacramento before the Board meeting in Sacramento because many interested parties, including Charlotte Ambrose, cannot attend the San Diego meeting. Chairman Nawi said it would be very helpful to have the meeting in Sacramento, to consider the T&I issue and to view the scientific information, prior to the San Diego Committee meeting.

Member Marckwald feels it is important to have the meeting in Sacramento to view the scientific information before the Committee meeting in San Diego.

Member Bosetti said the Board needs to keep in mind that these were adopted as interim rules.

Member Marckwald said the context will be important as the Board considers whatever the next piece might be. Another piece has occurred which is the reliance on T&I rules in other regulatory programs.

Chair Nawi said the Committee discussed engaging an outside consultant. The Committee did not feel it was necessary and would take up more time. Tom Spitler told Chair Nawi he thought due to the complexity of the material and issues, an outside consultant should be used. The Executive Officer presented the Committee materials on appraising systematic reviews.

Chairman Dixon asked Member Nawi if the Committee felt with the CFA recommendations on their studies to hold that before the Committee.

Member Nawi said the Committee is working up this issue, and it would make no sense for CFA to bring before the Board one view and one piece of this before the Committee had a chance to consider the material.

POLICY COMMITTEE

Member Kirk Marckwald, Chair of the Policy Committee, said Dave Titus, Deputy Director for Legislation, reported on current legislation of interest to the Board. Members of the Committee suggested there are a couple of bills they would like to drill deeper on. The Committee had a discussion about the Board's ability and historical precedent for taking positions on legislation outside of the normal process that the Department goes through. The Committee recognizes that there are limited resources and timing, but there may be some policy related bills that are sufficiently important that the Committee might recommend to the full Board to exercise their independent authority. The discussion will be continued at the next meeting.

The Committee heard a presentation on Integrating Natural Resource Management by Ken Zimmerman, the Chair of RMAC, but was presenting as an individual. Mr. Zimmerman gave historical perspective of his own operation and his own engagement of conservation activities on his ranch. Mr. Zimmerman talked about research he had done with respect to various propositions that have focused all their money on the acquisition of new lands to the detriment of preserving, improving, and managing current lands under control. The Committee discussed whether it would make sense for a broader group of land managing entities, both private and public, to further this conversation which may lead to legislation and a bond issue. The Committee discussed the shortcoming of an acquisition-only strategy with respect to natural resources. Reviewed a couple

of examples of private land trusts and well as other activities where money had been put aside for management. The Committee agreed to consider this. Mr. Zimmerman will present this to RMAC and put it into final draft, at which point the Board will receive the draft.

The Committee discussed the Draft Board Policy Statement that Member Nawi and the Executive Officer worked on. The Statement received wide appreciation. The Executive Officer is going to make a few changes and clarifications, then it will go on the Board of Forestry website, where it can be downloaded and receive comments. Member Marckwald suggests at the May Board Meeting that the Executive Officer give the full Board an opportunity to see the evolution and questions and issues that remain on the Policy Statement. The goal is to have a vehicle to adopt formally in June.

The Committee discussed materials provided by the Executive Officer on Rule Monitoring Protocol.

Mr. Keith Greenwood and Mr. Hall have worked on some performance based rules, and will work together and bring back to the next meeting what the next step will be: more expansive more comprehensive, perhaps watershed driven.

MANAGEMENT COMMITTEE

Member Ryneerson, Chair of the newly formed Management Committee, reported the Committee met yesterday. Member Giacomini is a member of the Management Committee. Member Nehring is also a member of the Committee, but was not present.

The Committee had a discussion regarding the status report on the SNTMP. Assistant Executive Officer Huff has been working with the SNTMP subcommittee on developing the status report. Mr. Huff expects to meet with the Committee to develop a final working draft of the SNTMP which will address the concerns of all people involved. Member Ryneerson spoke with Jim Little, who had spoken to Charlotte Ambrose who brought forth the same issues -- that the landowners want to make sure the Board gets some letters of assurance from the various agencies that can provide some type of alternative permit through the SNTMP process as to what they can provide and what the Board needs to do to achieve those standards and to achieve the permit. Mr. Huff will work with the SNTMP Representatives to bring forth the letter to send to National Fisheries Service, U. S. Fish and Wildlife, Dept. of Fish and Game and the State Water Quality Control Boards.

The Committee recommended inviting a representative from CDF and Mr. Reeves to discuss the current requirements of the PTEIR. There are three different levels of amending the PTEIR, the Committee would like to hear the process. What are the thresholds that trigger the requirements of amending the PTEIR and how that fits into our current PTEIR and PTHP process. There has never been a THP developed for sustained yield plans.

RESOURCE PROTECTION COMMITTEE

Member Mark Bosetti reported the Resource Protection Committee met yesterday. Deputy Director Jim Wright's talk focused on the organizational challenges the Department faces with all the retirements.

The second item on the Committee's agenda was an update of the progress of 4291. CDF's organizational changes have had a bearing on that program. Chief Tom Hoffman had been taking the lead on the program. Chief Hoffman has a new assignment in Law Enforcement and Chief

Wayne Mitchell is taking over. There is progress being made on the 4291 scene. Both have been posted to the website and the Department.

Chief Steve Dunlap gave an update from the workgroup which was formed to discuss the Amador Plan cost apportionment issues. The workgroup has made significant progress and will have a draft for the April meeting for the Committee to review.

The Committee discussed VMP EIR Process/Framework. The Committee felt that the process is very similar in nature to the process the Board is taking with the Jackson DEIR. The Committee received clarification from the Department's Counsel that this process fits that mold, and the Department needs to assume the lead agency role. The Committee's recommendation to the Board is that CDF clarify their role as lead agency and begin the process and follow framework similar as to what was done with Jackson State and form an Ad Hoc committee. Member Giacomini is interested in being part of the Ad Hoc committee. Chairman Bosetti believes the most appropriate way to handle the Range Management Advisory Committee's VMP recommendations is to form a working group with the RMAC.

The Committee revisited Jeff Calvert's proposal of changing California Forest Improvement Program Rates. Mr. Jeff Calvert provided the Committee with a synopsis for changing rates for pruning and follow-up slash disposal. The rate has not been changed for ten years. Mr. Calvert will provide additional backup to substantiate the rate change. Chairman Bosetti recommended the Board adopt the rate change.

The last agenda item the RPC discussed was Amador County's request for recertification pursuant to PRC 4290/14CCR 1270 Fire Safe Regulations. The Committee asked staff and the department to evaluate the proposed modifications to ensure they were confined to 4290 requirements, of which staff and the Department's evaluation determined they were. The Committee recommends that the Board provide a letter of concurrence to Amador County.

Chairman Bosetti said there were three areas the Committee is asking the Board to take action on.

Chairman Dixon asked RPC Chairman Bosetti to formalize his motions. Chairman Dixon said there was no need for a formal motion to prepare a letter of concurrence to Amador County.

03-06-11: Member Bosetti made a motion with regard to the California Forest Improvement's Program rates suggested by the Department to modify the rates for pruning and follow-up slash disposal, to adopt the new rates. Member Giacomini seconded the motion. All in favor.

03-06-11: Member Bosetti made a motion the Board adopt a position of taking lead agency authority in the VMP EIR, and follow-up with procedures relative to the outline for the evaluation of the environmental impact report similar to what the Board did with Jackson State, enter into a contract with the Department and form an Ad Hoc committee.

Member Nawi said while working with the JDSF EIR, he found the Department staff to be very knowledgeable and conscientious. He and Member Rynearson did not have to get into the nuts and bolts of CEQA as much as policy. Member Nawi believes Members Bosetti and Giacomini will do well on the Ad Hoc committee.

Member Bosetti had a clarifying point, with concurrence to do this process, would the Board have to direct any notice to be prepared. He believes this is the process we took with Jackson. Member Bosetti asked if the Board could do it today.

Mr. Reeves said a notice could not be acted on today. It should be properly noticed in the Board's agenda that they intend to consider the issuance of the notice of the intent to prepare an EIR. It can be noticed for the April meeting.

Member Giacomini seconded the motion. All in favor.

Chairman Dixon asked if anyone in the audience had public comment on the committee reports.

PUBLIC COMMENT:

Mr. Richard Gienger asked if the notice referred to was the notice for commencement of the VMP EIR. Mr. Gienger asked if the VMP EIR would be noticed in April.

REPORT OF THE REGULATIONS COORDINATOR

Mr. Chris Zimny, Regulations Coordinator, reported there were no hearings scheduled for April. Mr. Zimny anticipates the Amador Plan Cooperative Fire Hearing will be reopened in the near future.

REPORT OF THE EXECUTIVE OFFICER

Executive Officer Gentry participated in the Tahoe Forum and will continue to participate and report to the Board. The Executive Officer noted that Chairman Dixon and Member Rynearson were up for re-appointment. Mr. Gentry thanked them for their dedicated work. He has enjoyed working with them for the past four years.

PUBLIC FORUM

Mr. Richard Gienger thought the new committee setup will be good to discuss significant issues. The Forest Practice Committee and Management Committees both met in the morning, and the Policy Committee and Resource Protection Committee met in the afternoon, which made Mr. Gienger have to decide which meeting he could attend. Mr. Gienger requested a special Forest Practice Committee meeting to be held in Sacramento to discuss T&I. Mr. Gienger was surprised at the alternative the Board of Supervisor's chose for the Jackson DEIR. Mr. Gienger said it is confusing trying to divorce the management plan from the DEIR, because the response to the DEIR affects the management plan. Mr. Gienger does not see where actions by the Board on the DEIR would be connected to the Management Plan. There is a good steelhead run in Matole.

Mr. Kevin Collins was unable to participate in the discussions about defensible space regulations. Mr. Collins was relieved to see the provision put in the general guidelines that apply to continuous tree canopy.

NEW AND UNFINISHED BUSINESS

There was no new or unfinished business.

ADJOURNMENT

Chairman Dixon adjourned the meeting at 1:15.

Respectfully submitted,

ATTEST:

**George D. Gentry
Executive Officer**

**Stan L. Dixon
Chairman**